

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

The undersigned took Defendant's Motion for reconsideration of detention under advisement while a Supplemental Pretrial Services Report was prepared. The Report has been filed and the two-day comment period has passed. Defendant filed a response to the Supplemental Report.

While Defendant has support of family and friends, certain serious concerns have been raised that result in the undersigned being unable to permit release to either of the two proffered residences. If Defendant is able to secure a bed in a halfway house and is able to maintain sobriety and compliance with treatment rules and the rules of the halfway house for 90 days, the undersigned will revisit a change in residences. This order will be self-executing upon confirmation of a halfway house bed and agreement of Defendant to this condition and the other preconditions to release.

IT IS ORDERED Defendant's Motion for reconsideration (ECF NO. 424) is GRANTED in part. Defendant shall be released on the following conditions:

## STANDARD CONDITIONS OF RELEASE

2 (1) Defendant shall not commit any offense in violation of federal,  
3 state or local law. Defendant shall advise the supervising  
4 Pretrial Services Officer and defense counsel within one  
business day of any charge, arrest, or contact with law  
enforcement.

5 (2) Defendant shall immediately advise the court, defense counsel  
6 and the U.S. Attorney in writing before any change in address  
and telephone number.

7 (3) Defendant shall appear at all proceedings as required and shall  
surrender for service of any sentence imposed as directed.

8 (4) Defendant shall sign and complete A.O. 199C before being  
9 released and shall reside at the address furnished.

10 (5) Defendant shall not possess a firearm, destructive device or  
other dangerous weapon.

11 (6) Defendant shall report to the United States Probation Office  
12 before or immediately after release and shall report as often  
13 as they direct, at such times and in such manner as they  
direct.

14 (7) Defendant shall contact defense counsel at least once a week.

15 (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n),  
16 it is unlawful for any person who is under indictment for a  
17 crime punishable by imprisonment for a term exceeding one year,  
18 to possess, ship or transport in interstate or foreign commerce  
19 any firearm or ammunition or receive any firearm or ammunition  
20 which has been shipped or transported in interstate or foreign  
commerce.

21 (9) Defendant shall refrain from the use or unlawful possession of  
a narcotic drug or other controlled substances defined in  
U.S.C. § 802, unless prescribed by a licensed medical  
practitioner.

## BOND

22 (10) Defendant shall:

23  Execute an unsecured appearance bond in the amount of  
24 dollars (\$\_\_\_\_\_) in the event of a failure to appear as required  
25 or to surrender as directed for service of any sentence imposed.

26  Execute an unsecured appearance bond, to be co-signed by  
27 a responsible adult (not Mrs. Zarate), in the amount of  
ten thousand (\$10,000.00) dollars  
in the event of a failure to appear as required  
or to surrender as directed for service of any sentence imposed.

and

**ADDITIONAL CONDITIONS OF RELEASE**

5 Upon finding that release by one of the above methods will not by  
itself reasonably assure the appearance of the Defendant and the  
6 safety of other persons and the community:

7 **IT IS FURTHER ORDERED** that the release of the Defendant is subject  
to the following additional conditions:

(11) The Defendant is placed with:

Name of person or organization

Signature \_\_\_\_\_ Date \_\_\_\_\_

who agrees to sign a copy of this Order, **to be kept in Pretrial Services' file**; supervise the Defendant consistent with all the conditions of release; use every effort to assure the appearance of the Defendant at all scheduled court proceedings; and notify the court immediately in the event the Defendant violates any conditions of release or disappears.

(12) Maintain or actively seek lawful employment.

(13) Maintain or commence an education program.

(14) Surrender any passport to Pretrial Services and shall not apply for a new passport.

(15) Defendant shall remain in the:

Eastern District of Washington, or  State of Washington

while the case is pending. On a showing of necessity, and with prior notice by the defense to the assigned Assistant U.S. Attorney, the Defendant may obtain prior written permission to temporarily leave this area from the United States Probation Office.

**Exceptions:**

(16) Avoid all contact, direct or indirect, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not

1 limited to:

2  (17) Avoid all contact, direct or indirect, with:

3  Known felons  Co-Defendant(s)

4  (18) Undergo medical or psychiatric treatment and/or remain in an

5 institution as follows:

6  (19) Refrain from:  any  excessive use of alcohol

7  (20) There shall be no alcohol in the home where Defendant

8 resides.

9  (21) There shall be no firearms in the home where Defendant

10 resides.

11  (22) Except for employment purposes, Defendant shall not have

12 access to the internet, including cell phones with internet

13 access.

14  (23) Defendant may not be in the presence of minors, unless a

15 responsible, knowledgeable adult is present at all times.

#### SUBSTANCE ABUSE EVALUATION AND TREATMENT

15 If Defendant is required to submit to a substance abuse evaluation,

16 inpatient or outpatient treatment, the following shall apply:

17 Defendant shall complete treatment indicated by an evaluation or

18 recommended by Pretrial Services and shall comply with all rules of

19 a treatment program. Defendant shall be responsible for the cost of

20 testing, evaluation and treatment, unless the United States

21 Probation Office should determine otherwise. The United States

22 Probation Office shall also determine the time and place of testing

23 and evaluation and the scope of treatment. If Defendant fails in

24 any way to comply or cooperate with the requirements and rules of a

25 treatment program, Pretrial Services shall notify the court and the

26 U.S. Marshal, who will be directed to immediately arrest the

27 Defendant.

28 Defendant shall participate in one or more of the following

29 treatment programs:

30  (24) **Substance Abuse Evaluation:** Defendant shall undergo a

31 substance abuse evaluation:

32  if directed by a U.S. Probation Officer

33  as directed by a U.S. Probation Officer *if needed. One*

34 *assessment has occurred*

35  Prior to release, Defendant must have an appointment for

1 a substance abuse evaluation, and the appointment must be  
 2 confirmed to the court by Pretrial Services. Defendant  
 3 will be released:

4        one day prior to; or  
 5        on the morning of his appointment

6        (25) **Inpatient Treatment:** Defendant shall participate in an  
 7 intensive inpatient treatment program.

8        Prior to release, an available bed and date of entry must  
 9 be confirmed by Pretrial Services.  
 10       Defendant will be released to an agent of the inpatient  
 11 program on \_\_\_\_\_.  
 12       Prior to release from inpatient treatment, an outpatient  
 13 treatment program must be presented to the court. If  
 14 Defendant does not have a structured outpatient treatment  
 15 program in place prior to conclusion of inpatient  
 16 treatment, Defendant automatically will go back into the  
 17 custody of the U.S. Marshal.

18       Following inpatient treatment, Defendant shall  
 19 participate in an aftercare program.

20        (26) *Intensive* **Outpatient Treatment:** Defendant shall participate in  
 21 intensive outpatient treatment.

22       Prior to release, an appointment for Defendant's first  
 23 counseling session must be made and confirmed by Pretrial  
 24 Services. Defendant will be released:

25        one day prior to; or  
 26        on the morning of his appointment

27        (27) **Other:** \_\_\_\_\_  
 28 \_\_\_\_\_  
 29 \_\_\_\_\_

30        (28) **Prohibited Substance Testing:** If random urinalysis testing  
 31 is not done through a treatment program, random urinalysis  
 32 testing shall be conducted through Pretrial Services, and  
 33 shall not exceed six (6) times per month. Defendant shall  
 34 submit to any method of testing required by the Pretrial  
 35 Service Office for determining whether the Defendant is  
 36 using a prohibited substance. Such methods may be used with  
 37 random frequency and include urine testing, the wearing of  
 38 a sweat patch, a remote alcohol testing system, and/or any  
 39 form of prohibited substance screening or testing.

1 Defendant shall refrain from obstructing or attempting to  
 2 obstruct or tamper, in any fashion, with the efficiency and  
 3 accuracy of prohibited substance testing. Full mutual  
 4 releases shall be executed to permit communication between  
 the court, Pretrial Services, and the treatment vendor.  
 Treatment shall not interfere with Defendant's court  
 appearances.

5 **HOME CONFINEMENT/ELECTRONIC/GPS MONITORING**

6  (29) Defendant shall participate in one or more of the following  
 7 home confinement program(s):

8  **Electronic Monitoring:** The Defendant shall participate in  
 9 a program of electronically monitored home confinement. The  
 10 Defendant shall wear, at all times, an electronic monitoring  
 11 device under the supervision of U.S. Probation. In the  
 12 event the Defendant does not respond to electronic  
 13 monitoring or cannot be found, the U.S. Probation Office  
 14 shall forthwith notify the United States Marshals' Service,  
 15 who shall immediately find, arrest and detain the Defendant.  
 16 The Defendant shall pay all or part of the cost of the  
 17 program based upon ability to pay as determined by the U.S.  
 18 Probation Office. *OR*

19  **GPS Monitoring:** The Defendant shall participate in a  
 20 program of GPS confinement. The Defendant shall wear, at  
 21 all times, a GPS device under the supervision of U.S.  
 22 Probation. In the event the Defendant does not respond to  
 23 GPS monitoring or cannot be found, the U.S. Probation Office  
 24 shall forthwith notify the United States Marshals' Service,  
 25 who shall immediately find, arrest and detain the Defendant.  
 26 The Defendant shall pay all or part of the cost of the  
 27 program based up ability to pay as determined by the U.S.  
 28 Probation Office.

19  **Curfew:** Defendant shall be restricted to his/her  
 20 residence:

21  every day from \_\_\_\_\_ to \_\_\_\_\_

22  as directed by the Pretrial Services Office

23  **Home detention:** Defendant shall be restricted to his/her  
 24 residence at all times except for: attorney visits; court  
 25 appearances; case-related matters; court-ordered  
 26 obligations; or other activities as pre-approved by the  
 27 Pretrial Services Office or supervising officer, as well as:

28  employment  education  religious services

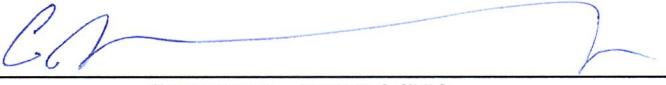
medical, substance abuse, or mental health treatment

Maintain residence at a halfway house or community

1 corrections center, as deemed necessary by the Pretrial  
2 Services Office or supervising officer.

3  (30) Other: \_\_\_\_\_  
4 \_\_\_\_\_  
5  (31) Defendant shall appear for a status hearing on \_\_\_\_\_  
6 at \_\_\_\_\_, before the undersigned. \_\_\_\_\_

7 DATED Oct. 3, 2011.

8   
9 CYNTHIA IMBROGNO  
10 UNITED STATES MAGISTRATE JUDGE